

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION**

DERRICK SMITH,

Plaintiff,

vs.

IAN WALLACE, et al.,

Defendants.

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Case No. 1:14cv146 SNLJ

MEMORANDUM and ORDER

On July 21, 2016, plaintiff filed what was docketed as a supplement to the complaint (#80). Plaintiff requests for that document to be filed as a new case. The Court will grant that request.

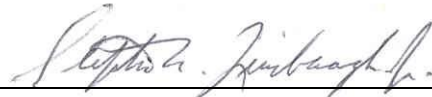
On August 22, 2016, plaintiff filed a motion to withdraw second amended complaint filed by withdrawn counsel Andrea Zimmerman and to file pro se second amended complaint (#81). On July 21, 2015, then-counsel for plaintiff filed an amended complaint on plaintiff's behalf. It appears plaintiff, now acting pro se, wants to withdraw that amended complaint and file his own amended complaint. To the extent plaintiff wants to file an amended complaint, he must do so by filing a proposed amended complaint, which will entirely replace the earlier complaint in this matter. The deadline for filing amendments to pleadings, however, passed on August 15, 2016 (*see* #56). Thus, although plaintiff may seek leave to file an amended complaint after the deadline, he must explain why doing so is necessary and why it was not accomplished during the time allowed by the Case Management Order (#56).

Accordingly,

IT IS HEREBY ORDERED that Clerk shall open a new case with the documents filed by plaintiff in this case on July 21, 2016, and those documents shall be stricken from the docket sheet;

IT IS FURTHER ORDERED that plaintiff's motion to withdraw the amended complaint (#81) is DENIED.

Dated this 24th day of August, 2016.

A handwritten signature in cursive script, appearing to read "Stephen N. Limbaugh, Jr.", is written over a horizontal line.

STEPHEN N. LIMBAUGH, JR.
UNITED STATES DISTRICT JUDGE